

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

US FRAMING INTERNATIONAL, LLC,)
)
)
Plaintiff,)
)
vs.) CASE NO. 3:21-CV-174-TRM-DCP
)
CONTINENTAL BUILDING COMPANY)
AND STEADFAST INSURANCE)
COMPANY, AS SUBROGEE AND/OR)
ASSIGNEE OF CONTINENTAL)
BUILDING COMPANY,)
)
Defendants.)

**DEFENDANT CONTINENTAL BUILDING COMPANY'S OPPOSITION TO
PLAINTIFF'S MOTION FOR ORAL ARGUMENT**

Defendant Continental Building Company (“Continental”) submits this short opposition to Plaintiff US Framing International, Inc.’s (“USF”) request for an oral argument regarding Defendant’s Motion to Dismiss the Complaint (“Motion”).

Continental submits that an oral argument is not necessary for the Motion as the Motion does not present any new or novel legal theories on which the Court could benefit from hearing argument. To the contrary, the Motion presents long standing principles: if a party is not a party to a contract, then that party lacks contractual standing, and is not a proper party, to bring a claim thereunder. There is no need for an oral argument and no basis for stating that the Court could benefit from one when deciding these principles. Further, as there is no claim pending before this court based on Tenn. Ann. Code §§ 56-53-102 or 56-53-103, as admitted by Plaintiff’s counsel, then any alleged inaccuracy (whether true or not) has no bearing on this Court’s ruling on Continental’s Motion to Dismiss.

Should this Court grant Plaintiff's Motion for Oral Argument, Continental is available and open to participate in any format the Court deems best, be it in-person or via other means.

Respectfully submitted,

/s/ Susan M. White

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2021, a copy of the foregoing *Opposition to Plaintiff's Motion for Oral Argument* was filed electronically via CM/ECF. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Susan M. White

*Counsel for Continental Building
Company*